

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CHAMBERS
U.S.D.C. Atlanta

JUN 13 2011

ROD MARQUARDT,

Plaintiff,

v.

STEPHEN KING, et al.,

Defendants.

JAMES N. HATTEN, Clerk
By *[Signature]* Deputy Clerk

CIVIL ACTION NO.

1:10-CV-3946-JEC

ORDER

This case is before the Court on defendants Stephen King and Simon & Schuster, Inc.'s Motion for Leave to File a Response to Plaintiff's Unauthorized Surreply, If Necessary [25].


The plaintiff has filed an unauthorized "Supplemental Response," [24] that also exceeds by many pages, the page-limit set for reply pleadings. Defendants have requested that the Court strike this "surreply" brief by plaintiff or, alternatively, permit the defendants to file a response to this surreply within 10 days of this Order.

Defendants correctly note that plaintiff failed to obtain this Court's approval, as he should have done, prior to filing his surreply. Further, as defendants also correctly note, the plaintiff's brief exceeds the page limit permitted by local rule for such pleadings. Typically, the Court would strike the pleading on

these grounds. Nevertheless, there has been a change of counsel, with plaintiff's retained counsel having withdrawn and plaintiff now proceeding pro se. Further, to avoid any questions in the future on appeal, the Court deems it prudent to consider plaintiff's additional arguments in support of a finding of substantial similarity in the two literary works at issue.

Therefore, the Court **DENIES** the defendants' motion to strike [25-1], but **GRANTS** defendants' motion for additional time to file a response to plaintiff's surreply. Defendants shall file their response by **Monday, June 27, 2011.**

SO ORDERED, this 13 day of June, 2011.



JULIE E. CARNES
CHIEF UNITED STATES DISTRICT JUDGE